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March 19, 2020

By ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: George Benn v. City of New York, et al., 18 Civ. 722 (LGS)(OTW)

Your Honor:

I am a Senior Counsel in the New York City Law Department, attorney for defendants City of New York, Detective Felix Cruz, Detective Gerard Dimuro, Captain Delroy Morrison, Correction Officer Xavier McNeil, Correction Officer Matthew Landow, Correction Officer Jonathon Powell, Correction Officer Jermain Phillips, and Correction Officer Gordon Noel in this action. I write to respectfully request a 90-day stay of all proceedings in this matter. Plaintiff consents to this request.

The reasons for this request are that I was just assigned this case as a transfer from another attorney on the morning of March 19, 2020. Assistant Corporation Counsel Alison Mitchell, who handled this matter up until now, has transferred out of my division. Moreover, as the Court is aware, the country is currently grappling with the COVID-19 pandemic. Both the State of New York and City of New York have declared states of emergency. In light of pronouncements from government officials, associated policies, expert recommendations, and the continued spread of COVID-19, the New York City Law Department has advised that individuals should work from home as much as is practicable to ensure compliance with public policy directives and to protect individuals from further community spread of the virus. Of course, working from home creates a number of challenges that directly impact litigation, especially in terms of accessing case files. I will be unable to review the complete file for this matter until limitations and restrictions on working at our main office are lifted. Further, I do not currently have access to any deposition transcripts. Accordingly, I will be unable to review the file to determine whether defendants have a viable good faith summary judgment motion until circumstances have substantially changed.

I respectfully ask that Your Honor grant defendants leeway in this public health crisis, and I thank the Court for its time and consideration herein.

Respectfully submitted,

lsl Christopher G. Arko

Christopher G. Arko
Senior Counsel

cc: Arthur Schwartz, Esq. (By ECF)
Richard Soto, Esq. (By ECF)
Attorneys for Plaintiff

Application GRANTED in part. The application for a stay is DENIED. However, the March 31, 2020, 10:30 a.m. case management conference is adjourned to **May 14, 2020, at 10:50 a.m.** Any parties proposing to file summary judgment shall file pre-motion letters by two weeks before the conference, or **April 30, 2020.**

Dated: March 20, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE